

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:15-cr-86

vs.

RICHARD CHEEK,

Magistrate Judge Michael J. Newman

Defendant.

**ORDER AND ENTRY: (1) CONTINUING TRIAL UNTIL FEBRUARY 17, 2016;
(2) SETTING A FINAL PRETRIAL CONFERENCE ON FEBRUARY 10, 2016;
(3) SETTING PRETRIAL FILING DEADLINES; AND (4) MAKING AN ENDS OF
JUSTICE FINDING**

This Class A misdemeanor criminal case came before the Court for a scheduling conference on January 8, 2016. Attorney Julianne McCammon participated on behalf of the government. Attorney Cheryll Bennett participated on behalf of Defendant.

The Federal Public Defender's Office was appointed to represent Defendant in this case, and representation of Defendant was originally assigned to a student intern supervised by Ms. Bennett. The student's term as an intern expired in December 2015, around the same time as this case was to be tried under the speedy trial provisions set forth in 18 U.S.C. § 3161. Since expiration of the student's term, Ms. Bennett has resumed representation of Defendant, but is expected to begin maternity leave shortly. As a result, representation of Defendant will be reassigned within the Federal Public Defender's Office for trial.

In light of the foregoing circumstances, and to ensure Defendant has a reasonable time to obtain new counsel, and for new counsel to effectively prepare for trial, the undersigned finds -- pursuant to 18 U.S.C. § 3161(h)(7)(A), and after considering the factors set forth in 18 U.S.C.

§ 3161(h)(7)(B) -- that the ends of justice are served by granting the requested continuance, and that continuing trial outweighs the best interest of the public and Defendant in a speedy trial.

Accordingly, the Court sets the following trial schedule:

Pretrial motions including motions <i>in limine</i> :	February 2, 2016
Responses to pretrial motions:	February 9, 2016
Proposed jury instructions and verdict forms: ¹	February 9, 2016
Witness lists/exhibits: ²	February 10, 2016
Final pretrial conference:	February 10, 2016 @ 11:00 a.m.
Jury trial:	February 17, 2016 at 1:30 p.m.

IT IS SO ORDERED.

Date: January 12, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

¹ In addition to being filed with the Court, proposed jury instructions and verdict forms shall be emailed in Word format to newman_chambers @ohsd.uscourts.gov.

² The undersigned requests that all exhibits be made available to the Court and its staff in electronic format.